



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

OCT 10 2002

Paper No. 14

In re Application of : DECISION ON PETITION  
Norio Sumitomo *et al* :  
Application No. 09/295,273 :  
Filed: April 20, 1999 :  
Attorney Docket No. PATENT 2927-0103P

This is a decision on the petition filed on May 30, 2002 by which petitioners have requested withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated October 2, 2001. No fee is required for the petition.

The petition is granted.

Petitioners allege that this application was not in fact abandoned because a timely and proper reply to the Office letter in question was in fact filed. This allegation is supported by a copy of the reply, and by a copy of the filing receipt for the reply showing that the reply was in fact filed on October 25, 2001. This reply was timely by reason of the previously filed Notice of Appeal on September 21, 2001. Based upon this showing, it is clear that this application was not in fact abandoned. It is also noted that Office financial records show that petitioners' check in the amount of \$740.00 for the reply, which was in the form of a 37 CFR 1.114 Request for Continued Examination (RCE) was received on October 25, 2001.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing of the RCE filed on October 25, 2001, which will include entry of the amendment after final action previously filed on September 21, 2001 and entry of the 37 CFR 1.132 declaration attached to the RCE. In addition, the first name of applicant Sumitomo should be correct to read "Norio" in the PALM database. Thereafter, the application will be forwarded to the examiner for appropriate action.

PETITION GRANTED.

  
\_\_\_\_\_  
E. Roberts-Cross, Director, Patent  
Examining Groups 3710 and 3720

**BEST AVAILABLE COPY**

Birch Stewart Kolasch & Birch  
P. O. Box 747  
Falls Church, VA 22040-0747